UNITED STATES COURT OF APPEALS
District of Columbia Circuit

James G. Mahorner, an individual and a member of the governed class,
P.O Box 50555
Jacksonville Beach, FL
3240-0555,
904-249-0851

Plaintiff,

vs.

George W. Bush, Jr., as President of the United States of America, and individually,
1600 Pennsylvania Ave.
Washington, D.C.

and

PAUL H. O'NEILL, as Secretary of the Treasury of the United States of America, and individually,

Defendants. /

September Term, 2002
District No. 1:02CV01530

Appeals Court File No. 02-5335

MOTION FOR ACCELERATION OF FINAL DETERMINATION

Plaintiff, **JAMES G. MAHORNER, *pro se***, hereby moves the court to accelerate the appeal so that review can be sought early by either party in the United States Supreme Court for final determination of the issues or that such are unpresentable, and to remove that portion of the October 28, 2002 order prohibiting the filing by Plaintiff of an early brief, and as grounds therefore, sets forth the following:

1. The Affidavit filed by the independent contractor working for Plaintiff sustains that no notice of the docketing of the appellate statement was received by Plaintiff until November 19, 2002, and was not sent by the clerk's office at the earlier required time with a proper certified mail number, and the Order of this Court removing the right of Appellate to file right under the Appellant Rules to file an early brief causes concern that the case will not proceed expeditiously, so as to have influence on the President's intent to make a determination to send troops into a foreign country without a decision of Congress directing that war commence.

2. The early dismissal of this cause by the District Court so as to require the complaint's assertions to be taken as true, recognized the need to accelerate the cause.

3. Plaintiff's complaint asserts facts indicating danger that small nuclear devices (affecting four square miles or less for numerous years) will have if exploded in a major population area(s) in the U.S. within a week of an attack on Iraq, as set forth on pages 7 and 8 the complaint, which should be taken as true for purposes of the appeal.

4. Such facts as asserted by the media and pages 7 and 8 of the complaint are that the transportation and secreting of the radioactive material across the border in a manner that prevented federal knowledge for two weeks and has evidently not been located or identified as to its nature, as revealed by lack of follow up media reports and other assertions in the complaint, strongly indicate the probability of a nuclear device attack (small atomic explosion) within a short period of time after the president unconstitutionally initiates war by invasion of Iraq, when such power cannot be delegated to his whim or judgment

and can only be initiated by the undelegable judgment of the many members of Congress.

5. The independent contractor's Affidavit filed herein shows that Plaintiff's right under the Appellate Rules to file a brief immediately after the filing of the appellate record was delayed by occurrences in the Clerk's office and is now indefinitely delayed by the October 28, 2002 order of this court, and received by Plaintiff on November 19th.

6. As shown by the attached Motion for Emergency Injunction filed in the lower court, acceleration with substantial grounds was sought in the lower court, and such grounds continue.

Dated this ___ day of November, 2002.

/s/ _____

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